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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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Paul M Scpton

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28075 7590 09/03/2008
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EXAMINER

DESANTO, MATTHEW F

ART UNIT

PAPER NUMBER

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MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| 09498104 | 2/4/00 | SCOPTON, PAUL M | 1001.1375101 |

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EXAMINER

MATTHEW F. DESANTO

| ART UNIT | PAPER |
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| 3763 | 20080902 |
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Commissioner for Patents

The reply brief filed 6/17/08 has been noted.

The examiner has read through the reply brief and feels that the interpretation that is given to the prior art in the 102 Rejections are still within the ordinary and customary meaning of the claim terms. The major difference is the examiner using the broadest reasonable interpretation for terms like "connected" and "fluidly communication". The examiner disagrees that one skilled in the art wouldn't interpret two structurally elements coupled together to be "connected." With regards to Sirhan and claims 3 & 4 the examiner discusses his interpretation of the claims and prior art in the remarks section of the last examiner answer. With regards to claim 5, the guidewire lumen is sized to restrict fluid flow and the examiner interprets that Sirhan has a smaller distal guidewire lumen portion and thus would be sized to restrict fluid flow. With regards to Crittenden et al. the examiner disagrees that one skilled in the art wouldn't use the same interpretation of the prior art as the examiner since the examiner uses the plain and ordinary meaning of the prior art and used the broadest reasonable interpretation of the claimed invention. Applicant seems to be giving special meaning and using the specification to read limitations into the broadest interpretation of the claimed invention. According to the MPEP section 2111.01 paragraph I, only issued claims are given this type of claim interpretation, otherwise the PTO uses the broadest reasonable interpretation, which is done in this case by the examiner. With regards to Horzewski et al. the examiner is not convinced with the arguments set forth in the reply brief and appeal brief, which are very similar.

/Matthew F DeSanto/
Primary Examiner, Art Unit 3763